

REMARKS

Claims 1-15 are pending in the present application. No claim amendments have been made. Reconsideration and withdrawal of the present rejection in view of the comments presented herein are respectfully requested.

Claims 1-3, 5-7, 9 and 11-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Iwai et al. (WO03/048861) in view of Hada et al. (WO03/048863). However, neither of these references qualify as prior art with respect to the presently pending claims. The foreign priority date of the present application is **December 2, 2002**. Enclosed herewith is a copy of a certified translation of the Japanese priority application (JP 2002-350353), which is virtually identical to the present application. Thus, all of the presently pending claims are entitled to the December 2, 2002 priority date.

The two PCT publications cited by the Examiner were both published on **June 12, 2003**, after the priority date of the present application. Thus, these references cannot qualify as prior art under 35 USC 102(a) or (b). Moreover, because the PCT publications were published in Japanese, they do not qualify as prior art under 35 USC 102(e). None of the other subsections of 35 USC 102 is applicable. Thus, the cited references do not qualify as prior art against the present application. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. 103(a)

CONCLUSION

Applicants submit that all claims are now in condition for allowance. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/8/07

By: 

Neil S. Bartfeld, Ph.D.
Registration No. 39,901
Agent of Record
Customer No. 20,995
(619) 235-8550